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MEMO ENDORSED

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October 14, 2020

VIA ECF

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Trustees of the New York City District Council of Carpenters Pension Fund, et al. v. Minelli Construction Co. Inc., et al., 20 CV 4211 (KPF)

Dear Judge Failla:

This firm represents the Plaintiffs (the “Funds”) in the above captioned matter. We write to respectfully request an adjournment of the initial conference currently set for October 21, 2020 *sine die*. Plaintiffs commenced this action on June 4, 2020 to recover contributions owed to the Funds by Defendant Minelli Construction Co, Inc. (“Minelli”). Plaintiffs also brought claims against Defendant Fidelity and Deposit Company of Maryland (“Fidelity”) to recover contributions owed in connection with work performed by Minelli on the LaGuardia Community College project. Defendants have not appeared in this action.

However, Plaintiffs have been in contact with Defendant Fidelity and late last month finalized a settlement agreement involving Plaintiffs’ claims against Fidelity, only. A settlement payment was received, and we are awaiting confirmation from the Plaintiffs’ banking institution that the payment has cleared. We anticipate filing a stipulation of dismissal as to Fidelity upon receipt of such confirmation from the Funds.

Defendant Minelli has not appeared in this action and has not contacted Plaintiffs to discuss resolution. While the settlement with Fidelity will resolve a portion of the amounts sought from Defendant Minelli, Plaintiffs intend to move for default judgment against Minelli for the remaining amounts owed.



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In light of Plaintiffs' settlement with Defendant Fidelity, and Defendant Minelli's failure to appear, Plaintiffs' respectfully request that the Court adjourn the upcoming initial conference *sine die*.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/

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cc: Jonathan Bondy, Esq.
counsel for Fidelity and Deposit Company of Maryland (via email)
Minelli Construction Co., Inc. (via first class mail)

Application GRANTED. The initial pretrial conference scheduled for October 21, 2020, is hereby ADJOURNED *sine die* to allow Plaintiff and Defendant Fidelity to finalize their settlement and Plaintiff to move for default judgment against Defendant Minelli.

Dated: October 14, 2020
New York, New York

SO ORDERED.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE